

DESIGNATING THE ILLINOIS AND THE OWYHEE
RIVERS IN OREGON AS WILD AND SCENIC RIVERS

MAY 18 (legislative day, MAY 14), 1984.—Ordered to be printed

Mr. McCLURE, from the Committee on Energy and Natural Resources,
submitted the following

REPORT

[To accompany S. 416]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 416) to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System, having considered the same, reports favorably thereon with amendments to the text and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 2, line 12, strike "1983," and insert in lieu of "1984,".
2. On page 2, delete lines 15 through 18 in their entirety and insert in lieu thereof:

() Owyhee, Oregon: The South Fork from the Idaho-Oregon State line downstream to Three Forks; the Owyhee River from Three Forks downstream to China Gulch; and the Owyhee River downstream from Crooked Creek to the Owyhee Reservoir as generally depicted on a map entitled "Owyhee, Oregon" dated April 1984; all three segments to be administered as a wild river by the Secretary of.

3. On page 2, line 21, before the word "action", insert the word "appropriate".
4. On page 2, line 24, strike "1983," and insert in lieu of "1984,".

PURPOSE

S. 416, as reported, would designate segments of two rivers in Oregon as components of the National Wild and Scenic Rivers System. The Illinois to be administered by the Secretary of Agriculture and the Owyhee to be administered by the Secretary of the Interior.

BACKGROUND

The Department of Agriculture studied 88 miles of the Illinois River and sent the study report to Congress on October 13, 1978, recommending that 50.4 miles of the river be designated as a component of the National Wild and Scenic Rivers System. The segment of the Illinois River proposed for designation flows through predominantly public lands within the Siskiyou National Forest and joins the existing Rogue Wild and Scenic River. The study identified high quality fisheries, scenic and recreation values associated with the Illinois River.

The National Park Service completed a study of the Owyhee River in 1979, and in October 1979 a report and draft legislation to designate the river as a component of the National Wild and Scenic Rivers System were transmitted to the Congress. The 1979 report recommended designation of 178 miles in the States of Idaho and Oregon. It also recommended that the State of Oregon administer a 14-mile stretch from China Gulch to Crooked Creek in Oregon. Virtually all the private lands along the river in Oregon are within this 14-mile segment.

LEGISLATIVE HISTORY

S. 416 was introduced by Mr. Hatfield on February 3, 1983. A hearing on S. 416 before the Public Lands and Reserved Water Subcommittee was held on March 6, 1984. The administration supports the enactment of S. 416 with amendments. At a business session on May 2, 1984, the Committee on Energy and Natural Resources ordered S. 416 favorably reported with amendments.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 2, 1984, by a unanimous vote of a quorum present recommended that the Senate pass S. 416, if amended, as described herein.

The rollcall vote on reporting the measure was 21 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield	
Mr. Weicker ¹	
Mr. Domenici ¹	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski ¹	
Mr. Nickles ¹	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz ¹	
Mr. Evans	
Mr. Johnston ¹	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum ¹	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas ¹	
Mr. Bradley	
Mr. Levin ¹	

¹ Indicates voted by proxy.

COMMITTEE AMENDMENTS

The committee made four amendments to S. 416 as introduced. Amendment No. 1 changes the date of authorization for appropriations for land acquisition and development for the Illinois River from fiscal year 1983 to fiscal year 1984.

Amendment No. 2 deletes a 14-mile segment of the Owyhee River that flows through privately owned lands. The deletion was recommended by the administration and the Oregon State Legislature.

S. 416, is reported, does incorporate some private lands with the boundaries of the Owyhee Wild and Scenic River Corridor. The committee recognizes that ranching activities will continue to take place on private and public lands along the Owyhee Wild and Scenic River Corridor and that existing uses of the grazing resource as well as stock watering are compatible with the Wild and Scenic Rivers Act. It is the committee's intention to insure that ranching activities, where compatible with the act to be allowed to continue. Specifically these activities include grazing, stock watering, and repair, maintenance, and replacement of structures associated with livestock operations.

Amendment No. 2 also specifies that the Owyhee River is to be administered as a wild river.

Amendment No. 3 is a technical amendment.

Amendment No. 4 changes the date of authorization for appropriations for land acquisition and development for the Owyhee River from fiscal year 1983 to fiscal year 1984.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 7, 1984.

Hon. JAMES L. MCCLURE,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 416, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System, as ordered reported by the Senate Committee on Energy and Natural Resources, May 2, 1984.

This bill designates two river segments in Oregon as wild and scenic rivers and authorizes the appropriation of such sums as may be necessary for development and acquisition of lands or interests in lands. Based on information from the National Forest Service and the National Park Service, it is estimated that development, operation, and maintenance of facilities related to these river segments will cost approximately \$2 million over the 3 fiscal years beginning in 1985. No estimate of the amount necessary for land acquisition is currently available because it is unclear what lands will ultimately be purchased by the Federal Government. However, it is estimated that the value of the privately held lands within the boundaries of the wild and scenic river designation is between \$2 million and \$3 million.

Enactment of this bill would not affect the budgets of State and local governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred carrying out S. 416.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 416.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the committee from the Department of the Interior and the Department of Agriculture setting forth executive agency recommendations relating to S. 416 are set forth below :

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 14, 1984.

Hon. JAMES A. McCLURE,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 416, a bill "To amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System."

We have no objection to the enactment of this legislation, if amended as suggested below.

S. 416 would designate segments of two rivers in Oregon as components of the national system: The Illinois, to be administered by the Secretary of Agriculture, and the Owyhee, to be administered by this Department.

We defer to the views of the Department of Agriculture with respect to the designation of the Illinois River. We support the designation of the Owyhee as a component of the national system, if amended to delete the 14-mile stretch from China Gulch to Crooked Creek previously identified as suitable for State administration.

The National Park Service completed a study of the Owyhee River in 1979, and in October 1979 a report and draft legislation to designate the river were transmitted to the Congress. The 1979 report recommended designation of 178 miles in Idaho and Oregon. It also recommended that the State of Oregon administer a 14-mile stretch from China Gulch to Crooked Creek in Oregon. Virtually all the private lands along the river in Oregon are within the 14-mile segment, and we wish to avoid Federal acquisition of these lands.

S. 416 would designate 126 miles of river in Oregon, including the 14-mile segment previously identified for State administration, as a component of the national system for administration by this Department. We have done no studies that would call into question the Department's 1979 determination that the Owyhee is suitable for designation. We therefore support this aspect to the bill, provided the bill is amended to exclude the 14-mile segment identified in 1979 for State administration.

In 1976, cost estimates for the Oregon portion of the river, excluding the 14-mile segment were: Land acquisition, \$64,000; development, \$102,000; annual operation and maintenance, \$25,300.

We have not updated these costs.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

G. RAY ARNETT,
Assistant Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 17, 1984.

HON. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 416, a bill "To amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System."

The Department of Agriculture recommends that the provisions of S. 416 dealing with the Illinois River be enacted and defers to the Department of the Interior for recommendations on the Owyhee River.

S. 416 would designate a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System. Our report is limited to that portion of S. 416 which would add a certain segment of the Illinois River to the National Wild and Scenic Rivers System. This river would be administered by the Secretary of Agriculture. The Owyhee would be administered by the Secretary of the Interior, and we defer to the Department of the Interior for comment on this portion of S. 416.

The entire Illinois River of 88 miles has been studied. The study report was sent to the Congress October 13, 1978, and recommended that 50.4 miles of the river be designated. The proposed river boundaries include about 15,200 acres total. Of this, 13,926 acres are national forest system lands, 1,146 acres are private, and 128 acres are other public lands. Of the mileage for potential designation, 28.7 miles meet wild river criteria, 17.9 miles meet scenic river criteria, and 3.8 miles meet recreational river criteria.

Mining has occurred in the vicinity of the scenic portion of the recommended segment but is not economically feasible at present. Mining on valid claims in the future would be subject to the regulations of the Secretary. Since about 29 miles of the recommended segment would be classified wild, the bed and banks and an area extending $\frac{1}{4}$ mile on each side would be withdrawn from appropriation under the mining and mineral leasing laws. Approximately 22 miles of this 29-mile wild portion are within the Kalmiopsis Wilderness.

The segment of the Illinois River proposed for designation flows through predominantly public lands within the Siskiyou National Forest and joins the existing Rogue Wild and Scenic River. Most of the privately owned land (670 acres) is located in the 3.8-mile recreation classified section. The use of these lands is consistent with the management objectives for the river and, therefore, does not require Federal acquisition. Since this segment of river links the wild and

scenic segments of the Illinois River to the Rogue Wild and Scenic River, we recommend this segment be designated to improve the effectiveness and efficiency of on-the-ground management. The remaining private lands are divided with 128 acres within the middle segment, which qualified for wild classification, and 348 acres in the upper scenic segment.

The detailed management plan required for the river area, if designated, will specifically identify alternatives for protection of the river values from adverse development on the private lands by means other than the acquisition of lands or interest in lands.

Designation of the river would reduce the potential annual allowable cut of timber from the Siskiyou National Forest by less than 1 million board feet.

We believe that because of the high quality fishery, scenic, and recreation values associated with the Illinois River, it should be protected under the Wild and Scenic Rivers Act. Therefore, the Department of Agriculture recommends that the portion of S. 416 which pertains to the Illinois River be enacted.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, S. 416, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

WILD AND SCENIC RIVERS ACT

Act of October 2, 1968 (Public Law 90-542, 82 Stat. 906, amended; 16 U.S.C. 1271(note), 1271-1287)

DESIGNATION OF WILD AND SCENIC RIVER COMPONENTS

SEC. 3. (a). * * *

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() *Illinois, Oregon: The segment from the boundary of the Siskiyou National Forest downstream to its confluence with the Rogue River as generally depicted on a map entitled "Illinois River Study" and is also part of a report entitled "A Proposal: Illinois Wild and Scenic River"; to be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this Act with respect to the river designated by this paragraph, effective October 1, 1984, there are authorized to be appropriated such sums as necessary for the*

acquisition of lands or interests in lands, and such sums as necessary for development.

() Owyhee, Oregon: The South Fork from the Idaho-Oregon State line downstream to Three Forks; the Owyhee River from Three Forks downstream to China Gulch; and the Owyhee River downstream from Crooked Creek to the Owyhee Reservoir as generally depicted on a map entitled "Owyhee, Oregon" dated April 1984; all three segments to be administered as a wild river by the Secretary of the Interior. After consultation with State and local governments and the interested public, the Secretary shall take such appropriate action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this Act with respect to the river designated by this paragraph, effective October 1, 1984, there are authorized to be appropriated such sums as necessary for the acquisition of lands or interests and such sums as necessary for development.

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